

REMARKS

Claims 1-46 are now pending in the application. The Examiner is respectfully requested to reconsider and withdraw the rejections in view of the amendments and remarks contained herein.

REJECTION UNDER 35 U.S.C. § 112

Applicants respectfully traverse the rejection of Claims 6-13 and 29-35 under 35 U.S.C. § 112, second paragraph, as being indefinite for failing to particularly point and distinctly claim the subject matter which Applicant regards as the invention.

Applicant has amended Claims 6, 7, 29 and 30 to address the rejections. Applicants believe that these rejections are now moot.

REJECTION UNDER 35 U.S.C. § 102

Applicants respectfully traverse the rejection of Claims 1, 2, 4, 8-12, 14, 16, 17, 19-25, 27, 31-35, 37, 39, 40, and 42-46 under 35 U.S.C. § 102(b) as being anticipated by Krikorian (U.S. Pat. No. 5,726,909).

Referring to Claim 1, Krikorian does not show, teach, or suggest a computer that that communicates with a distributed communications system and a web server that is located remotely from said computer and that is connected to the distributed communications system and to a master library of digital media files, wherein the computer accesses the web server via the distributed communications system to alter a continuous play program for a playback control device.

In Applicant's claimed system, the playback control device is connected to the distributed communications system and includes an output device that stores digital media files and a continuous play program. A web server is connected to the distributed communications system and to a master library of digital media files. A computer, that is a distinct claimed element relative to both the playback control device and the web server, is also connected to the distributed communications system. The claimed computer, which is located remotely from the web server, is connected to the distributed communications system and can alter a continuous play program of the playback control device. In other words, the computer allows a person who is not located at either the location of the playback device or the web server (where the master library is located) to alter the continuous play program of the playback device. This is accomplished by providing a connection to the computer via the distributed communications system.

At least one problem addressed by Applicant's system relates to a business that includes multiple locations. For example in the system in Krikorian '909, when the owner of a business with many locations wants to change the music playing at two or more locations, the owner would need to individually modify the playback system at each location. This typically required someone who is knowledgeable about the system at the location and/or someone to travel to each location. This can be very difficult to perform when the business includes a significant number of locations and/or the changes occur on a frequent basis.

In the present rejection, the Examiner alleges that the claimed playback control device is met by the end user computer 12, 14 or 16 in Krikorian '909. Likewise, the

Examiner alleges that the web server is met by the central computer 10 in Krikorian '909. However, the Examiner also alleges that the claimed computer is also met by the central computer 10.

Under 35 U.S.C. §102(b), the prior art reference must show each of the elements of the claim and their claimed relationships. In the present application, the Examiner has failed to identify an equivalent structure to the claimed computer. The Examiner cannot rely on the same structure in the reference to show two distinct elements of the claimed system. Furthermore, the claimed computer is located remotely from the web server. Thus, the claimed relationship is also lacking.

Applicants believe that Claim 1 is allowable for at least the foregoing reasons. Claims 2-23 depend directly or indirectly from Claim 1 and are allowable over Krikorian for at least similar reasons.

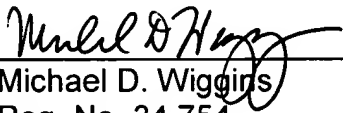
Claim 24 is allowable for at least similar reasons as Claim 1. Claims 25-46 depend directly or indirectly from Claim 24 and are allowable over Krikorian for at least similar reasons.

CONCLUSION

It is believed that all of the stated grounds of rejection have been properly traversed, accommodated, or rendered moot. Applicants therefore respectfully request that the Examiner reconsider and withdraw all presently outstanding rejections. It is believed that a full and complete response has been made to the outstanding Office Action, and as such, the present application is in condition for allowance. Thus, prompt and favorable consideration of this amendment is respectfully requested. If the Examiner believes that personal communication will expedite prosecution of this application, the Examiner is invited to telephone the undersigned at (248) 641-1600.

Respectfully submitted,

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By: 
Michael D. Wiggins
Reg. No. 34,754

HARNESS, DICKEY & PIERCE, P.L.C.
P.O. Box 828
Bloomfield Hills, Michigan 48303
(248) 641-1600

MDW/wmt